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09/710,171	11/10/2000	Yitzhak Cohen	U013051-2	4973

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NEW YORK, NY 10023

EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/710,171

Applicant(s)

COHEN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: .

### **DETAILED ACTION**

1. Claims 1-30 are presented for examination.

#### ***Priority***

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.
3. Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), is acknowledged.

#### ***Specification***

4. The disclosure is objected. Some of the informalities are:
  - i. The "Summary of the invention" section contains terms "flexible header file" and "block definition file". Applicant needs to replace with full, clear, concise and exact terms, which one skilled in the art can understand.
  - ii. The section "CROSS-REFERENCE TO RELATED APPLICATIONS" is missing priority application, co-pending applications and related arts.
  - iii. The "DETAILED DESCRIPTION OF THE INVENTION" section contains significant amount of prior art contents. All the known prior art contents from the "DETAILED DESCRIPTION OF THE INVENTION" section needs to be moved into the "Description of Related Art" sub-section of the "BACKGROUND OF THE INVENTION" section. Also applicant needs to submit a patent or publication containing information regarding the prior art figure 1.

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iv. The “Field of the Invention” sub-section of the “BACKGROUND OF THE INVENTION” does not contain key terms of the claimed invention.

v. Unless the invention is created from scratch, applicant needs to provide the prior arts that have led to the invention. Applicant needs to provide all prior art terms used in the claims. In response to this requirement, please provide the title, citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For each publication, please provide a concise explanation of that publication’s contribution to the description of the prior art.

vi. The section “Summary of the invention” needs to be replaced with full, clear, concise and exact terms, which one skilled in the art can understand. This section should not contain claim language.

Appropriate correction is required.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: “A remote system to configure management center of point of sale terminals”.

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves

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modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because it does not contain computer terminology and is not properly understood. Key terms involved in the invention are missing in the abstract. The abstract needs to be replaced with full, clear, concise and exact terms, which one skilled in the art can understand. The abstract should contain only one paragraph. Also the abstract does not clearly state the goal of the invention. Correction is required. See MPEP § 608.01(b).

### ***Information Disclosure Statement***

7. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1, 9, 10, 11, 19, 20, 21, 29, 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "functionality enabling configuration" in claims 1, 11 and 21, is a relative term, which renders the claim indefinite.

The term "center" in claims 1, 11 and 21 needs to be replaced by a meaningful term.

The term "plurality of block structures" in claims 9, 19 and 29 is a relative term, which renders the claim indefinite.

The terms "flexible header file", "block definition file" in claims 10, 20 and 30 are relative terms, which renders the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagawa et. al. 5,535,407 (Hereafter Yanagawa) in view of Chen et. al. 6,195,694 (Hereafter Chen).

11. As per claims 1, 11 and 21, Yanagawa teaches the following:

a point of sale system (e.g., store controller network, figure 2) comprising, a multiplicity of point of sale (POS) terminals (e.g., POS terminals, figure 2);

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at least one management centers which interact with said multiplicity of point of sale (POS) terminals, (e.g., store controllers over the Internet, figure 2),

a configuration builder useful in configuring software-containing hardware units which are serviced by a center which services a multiplicity of similar units having a plurality of different configurations (e.g., host computer figure 1 and figure 2), the configuration builder comprising,

the configuration building method comprising:

a configuration builder useful in configuring said multiplicity of point of sale terminals, the configuration builder comprising:

functionality operative automatically in response to configuration of said at least one software containing hardware unit for correspondingly configuring said center thereby to enable said center to interface with said at least one software-containing hardware unit.

(e.g., A customer data processing system includes a host computer for managing customer data and a plurality of processors interconnected with the host computer through telecommunications lines. The host computer has a first storage unit for storing customer data and a customer data batch extracting unit for extracting customer data with a high frequency of use out of the customer data stored therein and for transmitting the extracted customer data in a batch to the processors at predetermined times. Each processor has a second storage unit for storing the customer data fed in a batch from the host computer and local updating unit for updating customer data stored in the second storage unit when a transaction with a customer is concluded. Each processor also has a remote updating unit for updating customer data stored in the host computer through the telecommunications line, abstract).

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However, Yanagawa does not specifically mention about the configurer functionality in details.

Chen teaches the following:

functionality enabling configuration of at least one software-containing Hardware unit by a configurer (e.g., A server system that is connected to one or more networks, e.g., the Internet, corporate or government intranets, extranets, etc. The server has one or more application files or configuration sets that the server serves to from one or more kiosks on the network. The configuration sets are application specific. (An application is a use for which the kiosks are configured or reconfigured.) One or more of the files in the configuration sets include one or more embedded (control) programs that are used to control the local APIs of one or more of the devices on the kiosk. In this way, the devices are controlled to configure the kiosk to perform the application, figure 1, figure 4, figure 6B, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yanagawa with the teachings of Chen in order to facilitate configuration of a management center of the point of sale terminals. A system connected to the Internet can generate management center needed applications files. The system can send the configuration files to the remote management centers, which can store the configuration files in their databases and use them to configure the connected terminals. By generating configuration files from one system would eliminate configuring the management servers individually from their respective locations.

12. As per claims 2-4, 12-14 and 22-24, Yanagawa teaches the following:



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said software-containing hardware units comprise point of sale terminals (e.g., POS terminals, figure 2),

center interfaces with said at least one software-containing hardware unit for determining parameters of applications operative thereon (e.g., store controllers connected to the POS terminals, figure 2).

13. As per claims 5-10, 15-20, 25-30, Yanagawa teaches the following:

an application to run on said software-containing hardware unit (e.g., application running on POS terminals and store controllers, figure 2).

However, Yanagawa does not specifically mention about the application being configured.

Chen teaches the following:

programming of an application to run on said software-containing hardware unit, configuration comprises defining a plurality of block structures, producing at least one flexible header file and at least one block definition file (e.g., the server has one or more application files or configuration sets that the server serves, abstract, FIG. 5 is a block diagram of a set of application files (configuration set) that includes one or more HTML files and associated hypertext components including at least one embedded control program, in alternative embodiments, one or more of the application files 175 can allow the user to organize the GUI (300 below.), therefore, part or all of the logic for performing the new function has to be defined in the application files 500. For example, the application programmer, designing the application files 500 on the server, has to code this logic, e.g. by writing a new Java applet, FIG. 9 is a block

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diagram showing the mechanism when the embedded control program is using ActiveX technology instead of Java. An ActiveX control object can be implemented using a variety of programming languages such as C++ or Visual Basic or Java. An ActiveX object can be embedded into an HTML file, col., 6, line 21 – col., 25, line 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yanagawa with the teachings of Chen in order to facilitate configuration of a management center of the point of sale terminals. A system connected to the Internet can generate management center needed applications files. The application files necessary for the management center can be programmed in a manner that it can organize the graphical user interface as per the POS terminal user needs. The application files can be implemented using a variety of programming languages by using technology similar to ActiveX. Also the application file can contain message-passing attributes to inform the management center to take necessary actions in order to configure and provide support to the POS terminals.

### ***Conclusion***

14. The modification to the existing system mentioned in the entire claimed subject matter has been clearly anticipated by several references. Some of the references are cited in the attached form PTO-892. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aoshika et. al. 6,532,435 teaches a remote monitoring system accessing management centers connected to the POS terminals.

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Coutts et al. 6,311,165 teaches how to overcome the applicant mentioned reasons for the improvement to the existing systems.

Kolls 6,615,183 and Ohki et. al 6,016,957 teaches management of the databases of the POS management center systems over the Internet both locally and remotely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

January 17, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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